IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 11164 of 2005

Between:

M/s.Star Timber Traders, Rep.by its Proprietor D. Mahaboob Basha
Mydukur Road, Proddutur, Kadapa District.

..... PETITIONER

AND

1 Commercial Tax Officer- I
Proddutur.
2 Additional Commissioner of Commercial Taxes, Legal Office of the Commissioner of Commercial Taxes, A.P., Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Certiorari or any other appropriate writ or order or direction calling for the records of the 2nd respondent dt.30-03-2005 in CCT's Ref.No.L.V(3)3296/2004 and quash the same as arbitrary, contrary to law and weight of evidence and probabilities of the petitioners case. Consequently, grant stay of collection of disputed penalties of Rs.2,55,330/- and Rs.1,50,930/- for the assessment years 2000-01 and 2001-02 respectively pending disposal of the appeals before the Sales Tax Appellate Tribunal, Hyderabad.x

Counsel for the Petitioner:MR.M.V.PAVAN KUMAR

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court at the stage of admission made the following ORDER:(per GR,J)

Heard the learned counsel for the petitioner and the learned Government Pleader for Commercial Taxes.

The writ petition is filed against an order dated 30-03-2005 rejecting the petitioner's application for stay of payment of the penalty of Rs.4,06,260/- in respect of the assessment years
2000-01 and 2001-02. The stay application of the petitioner was rejected by the second respondent.

In the circumstances, the writ petition is disposed of granting stay of collection of the penalty of Rs.4,06,260/- on condition that the petitioner deposits 25% of the amount demanded to the credit of the first respondent within a period of six weeks from today.

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(GODA RAGHURAM, J)

10th May, 2005.

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(DR. G.YETHIRAJULU, J)

kvni/pvks

To

1 The Commercial Tax Officer- I, Proddutur.
2 The Additional Commissioner of Commercial Taxes, Legal Office of the Commissioner of Commercial Taxes, A.P., Hyderabad.

3 Two CCs to the Government Pleader for Commercial Taxes, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.